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Dated: 7/28/04Signature: *Anthony A. Laurentano*

(Anthony A. Laurentano)

Docket No.: MIN-006  
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Barry F. Hibble

Application No.: 10/676,322

Filed: September 30, 2003

For: METHOD OF ASSEMBLING A FILTER  
PLATE

Confirmation No.: 6478

Art Unit: 1723

Examiner: M. O. Savage

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JUL 28 2004

OFFICIAL

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action mailed June 28, 2004. The Examiner has required restriction between the following inventions in the above-identified application:

Group I: Claims 1-10, drawn to a connector, classified in class 285, subclass 405;

Group II: Claims 11-15, drawn to a method of assembling a filter plate, classified in class 29, subclass 428;

Group III: Claims 16-32, drawn to a filter plate, classified in class 210, subclass 230;

Group IV: Claims 33-35, drawn to a filter plate, classified in class 210, subclass 231; and

Group V: Claims 36 and 37, drawn to a filter cloth, classified in class 210, subclass 499

Application No.: 10/676322

Docket No.: MIN-006

Accordingly, Applicant hereby elects, with traverse, Group I, claims 1-10 for continued examination.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, although the claimed subject matter may be classified in different subclasses, the inventions are not independent. A single, searchable, unifying aspect, *i.e.*, a connector for attaching a filter cloth to a filter plate, links all of the claims of Groups I-V. Accordingly, it is respectfully requested that the restriction requirement be withdrawn, and that all of the claims presently pending in this application be examined.

Applicants submit that a sufficient search and examination with respect to the subject matter of the claims of Groups I-V and particularly Groups I and V and Groups III and IV can be made without serious burden. As the M.P.E.P. states:

[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. M.P.E.P. § 803 (8th ed., Rel. 78A, August 2001).

That is, even if the groups of claims are drawn to distinct inventions, the Examiner must still examine the entire application on the merits because doing so will not result in a serious burden.

Applicants submit that the search and examination of all the claims will have substantial overlap, and no serious burden will result from searching and examining all claims in the same application. This is especially true inasmuch as Groups III, IV and V share the same classification, *i.e.*, class 210.

Moreover, the patent statutes require that Applicants disclose how to make and use the system and method of the invention. It is only reasonable, then, that Applicants be allowed to prosecute the system and the method for making and using the system in a single application. For example, the method of claim 11 specifically recites a method for assembling the filter plate of claim 16, using the connector ring of claims 1-10, the filter plate of claims 33 and 35 and the filter cloth of claim 36. Therefore, it is improper to require that the subject matter of these groups be prosecuted in separate patent applications.

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In view of this identity of classifications, and the data bases and powerful computer search engines available to the Examiner, there would be no serious burden in examining all the claims in a single application.

Nevertheless, in compliance with the directives in the Office Action and in order to expedite prosecution of the instant application, Applicants hereby elect, subject to the foregoing traverse, Group I (claims 1-10).


Applicants reserve the right to pursue the non-elected claims, or similar claims, in this or one or more subsequent patent applications.

If a telephone conversation with Applicants' attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call the undersigned attorney at (617) 227-7400.

Applicant believes no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. MIN-006 from which the undersigned is authorized to draw.

Dated: July 28, 2004

Respectfully submitted,

By   
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DATE: July 28, 2004

PTO IDENTIFIER: Application Number 10/676,322-Conf. #6478  
Patent Number

Inventor: Barry F. HIBBLE

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MESSAGE TO: US Patent and Trademark Office / Examiner M. Savage, Art Unit 1723

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PAGES (Including Cover Sheet): 5

CONTENTS: Certificate of Transmission under 37 CFR 1.8 (1 page) and  
Response to Restriction Requirement (with Traverse) (3 pages).

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PTO/SB/97 (12-9/)

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Response to Restriction Requirement (3 pages)